

James Smith J74120
KVSP PO BOX 5102 B6-106up
Delano, CA 93216

In Pro Se Petitioner

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AUG 13 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

JUL 3 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAMES E. SMITH,)	No.: C 08-1157 SI (pr)
)	
Petitioner,)	NOTICE OF APPEAL rule 4(a)
)	FRAP; 22 AND 28 U.S.C. § 2253
vs.)	
)	
HEDGPETH, Warden,)	
)	
Respondent.)	
)	

Petitioner a state prisoners who has done all the time required of him on his alleged commitment, presently he is being falsely imprisoned and wrongfully incarcerated under erroneous process. In addition, the warrant did not identify me as the accused.

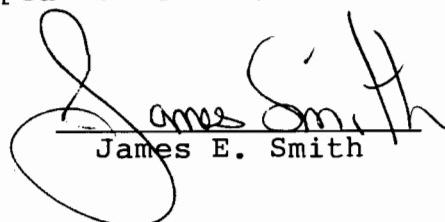
Petitioner has been falsely imprisoned and incarcerated for over 10 years without any procedural safeguards and his health is failing and he is unable to obtain adequate medical treatment and care.

Prayer For Relief

WHEREFORE, petitioner request an appeal under the Fourteenth Amendment rights.

Dated July 28, 2008

James E. Smith



UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES E. SMITH,

No.: C 08-1157 SI (pr)

Petitioner,

PROOF OF SERVICE

vs.

HEDGPETH, Warden.

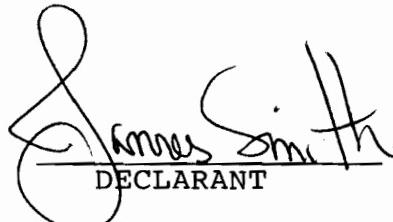
Respondent.

/

I hereby certify that on July 28, 2008, I SERVED a copy of the attached MOTION FOR APPEAL, by placing a copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the United States Mail at P.O. BOX 5102 Delano, CA 93216:

CLERK, U.S.C.A.
NINTH CIRCUIT
P.O. BOX 193939
San Francisco, CA 94119-3939

I declare under penalty of perjury that the foregoing is true and correct.


James E. Smith
DECLARANT